present case is radically different. Defendant gave the city permission to lay its pipe line across his land. After the pipe was once laid, the land would to all intents and purposes be the same as before; there would be no sign above the surface to show that the pipe line was underneath. Defendant must have contracted with this in mind. The construction by the city of a line of telephone over the land is an entirely different matter from that contemplated and contracted for by defendant, and could be well set up as a burden upon the easement granted. The telegraph cases are in no wise authority for the proposition for which they are cited. Nor does the court offer any additional authority, other than LEWIS, EMINENT DOMAIN, supra, which maintains the same proposition as the cases cited. If a right of way may be granted for a particular and continuing purpose, the purpose is to be regarded in construing the grant, in order to ascertain the nature and extent of the easement, and the grantee is entitled to vary his mode of enjoying the easement, and from time to time avail himself of modern inventions, if, by so doing he can more fully exercise and enjoy the object or carry out the purpose for which the easement was granted. GODDARD ON EASEMENTS, 351. But in the present case, at the time the pipe line was constructed, the city knew of the probable need of telephonic communication, and should have so stipulated in the contract with the landowner. But the grant of the right of way having been given by deed, and made specific, without the mention of a telephone line, the extent of the right must be determined by the words of the deed, though surrounding circumstances may be taken into consideration to determine the construction thereof. *Miller* v. *Washburn,* 117 Mass. 371; GODDARD, EASEMENTS, 314. The mode in which an easement may be exercised is, in case of an easement created by express grant, determined by the construction of the grant. It is a question of construction whether the easement is limited by the use made of the dominant tenement at the time of the grant, or whether the burden of the easement may be increased. TIFFANY, REAL PROP., § 321; *French* v. *Marstin,* 24 N. H. 440, 57 Am. Dec. 294; *Rowell* v. *Doggett,* 143 Mass. 483; *Herman* v. *Roberts,* 119 N. Y. 37, 16 Am. St. Rep. 801. JONES, EASEMENTS, § 355, says: "One granting an easement may limit the grant, and the grantee takes it subject to the restrictions imposed, and cannot enlarge or abuse the privilege." The same writer, § 376, says: "A right of way may be used for any purpose consistent with the purpose for which it was created. If the purposes of the way are not declared, the question as to what use of it is reasonable and proper, is for the jury." In the principal case, the purposes of the grant were expressly declared. Building the telephone line was entirely outside of the scope of the easement, and transcended the purposes of the same, exposing the city to a claim for damages. The court furnishes neither authority nor reason for holding the telephone line to be no additional burden on the easement.

EVIDENCE—CHARACTER OF DISBARMENT PROCEEDINGS—USE OF DEPOSITION.—Action was taken to disbar the respondent from practicing law in the state of New York on the ground that he had collected a claim sent him by a French advocate and had failed to account for the proceeds. In the course

of the proceedings the deposition of the French advocate, taken by a commission, was offered in evidence. The trial court overruled an objection to the introduction of this deposition in evidence, and the defendant appeals. *Held,* that a proceeding to disbar an attorney is not a criminal action, and that the ruling of the trial court in admitting the deposition was correct. *In re Spenser* (1911), 128 N. Y. Supp. 168.

The authorities are not entirely in accord as to the precise nature of disbarment proceedings brought against an attorney. Some courts hold that they are purely civil proceedings. *In re Randel,* 158 N. Y. 216; *People* v. *Webster,* 28 Colo. 223; *In re Evans,* 22 Utah 366. On the other hand it has been decided that such proceedings are criminal or at least quasi-criminal. *In re Haymond,* 121 Cal. 385; *In re Clink,* 117 Mich. 619; *Thomas* v. *State,* 58 Ala. 365; *In re Baluss,* 28 Mich. 507. That such proceedings are not so far criminal as to entitle the accused to a trial by jury see, *In re Smith,* 73 Kan. 743; nor to entitle him to be present at the sittings of the commission created by rule of the supreme court to investigate the charges against him, *State* v. *Fourchy,* 106 La. 743. It has been held that the rule in criminal prosecutions that the guilt of the accused must be proved beyond a reasonable doubt does not apply in such proceedings. *In re Wellcome,* 23 Mont. 450. There is, however, some dissent from this doctrine. *People* v. *Harvey,* 41 Ill. 277. The supreme court of Montana which holds that disbarment proceedings are not criminal but civil, also holds that the presumption of the innocence of the accused exists. *In re Wellcome,* 23 Mont 259. As to the precise point decided in the principal case that depositions of an absent witness are competent evidence against the accused in disbarment proceedings the authorities are in accord. *State* v. *McRae,* 49 Fla. 389; *State* v. *Mosher,* 128 Iowa 82; *In re Wellcome,* 23 Mont. 259.

EVIDENCE—UNCORROBORATED TESTIMONY OF AN ACCOMPLICE.—Defendant was convicted of the crime of burglary. The conviction depended entirely upon the testimony of an accomplice, the testimony of other witnesses as to circumstances corroborative of the testimony of the accomplice being entirely inconclusive as tending to connect the defendant with the offense. In reversing the conviction the court *Held,* that, while it is not essential that the testimony in corroboration of an accomplice shall of itself be sufficient to warrant a verdict of guilty, or that the testimony of the accomplice shall be corroborated in every particular, it is necessary that in addition to the corroboration of the accomplice the testimony shall of itself be sufficient to raise an inference that the defendant is guilty. *Bishop* v. *State* (1911), — Ga. App. —, 70 S. E. 976.

Whether or not the unsupported testimony of an accomplice is sufficient to justify a conviction seems to be a matter upon which the decisions in the different states are in direct conflict. At the common law it was the rule that such a conviction was entirely proper. But during the last quarter of the eighteenth century it became the practice of the English judges to acquit where the sole testimony was that of an accomplice. *Stone* v. *State,* 118 Ga. 705. Among the cases in the different states which hold to the rule that the jury must acquit